

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROY CURTIS ZORNES,)	
)	
Petitioner,)	
)	
vs.)	NO. CIV-05-0257-HE
)	
RON WARD,)	
)	
Respondent.)	

ORDER


This case is before the Court on the Report and Recommendation of Magistrate Judge Bana Roberts. Petitioner, a state prisoner appearing *pro se*, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Judge Roberts for review. On April 13, 2005, Judge Roberts issued her Report and Recommendation, recommending dismissal of the petition without prejudice based on petitioner's failure to pay the filing fee as directed.

Petitioner has not filed an objection to the Report and Recommendation. Therefore, further review of the issues contained therein is waived. United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(c); LCvR72.1(a). For this reason, and for the reasons contained in the Report and Recommendation, the Court concludes the petition should be dismissed without prejudice.

Accordingly, the Report and Recommendation is **ADOPTED** in its entirety and petitioner's petition for writ of habeas corpus is **DISMISSED**.

IT IS SO ORDERED.

Dated this 13th day of May, 2005.



JOE HEATON
UNITED STATES DISTRICT JUDGE